

1 JAMES N. PENROD (State Bar No.: 43030)
2 MORGAN, LEWIS & BOCKIUS LLP
3 One Market, Spear Tower
4 San Francisco, CA 94105
5 Telephone: 415.442.1000
6 Facsimile: 415.442.1001
7 email: jpenrod@morganlewis.com

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6 Attorneys for SUN MICROSYSTEMS, INC.,
7 MORGAN, LEWIS & BOCKIUS LLP, AND MAKING
A SPECIAL APPEARANCE FOR JEFFREY
KINGSTON, WHO HAS NOT BEEN SERVED

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re Application of Microsoft Corp.

Case No. 06-80038 JF (PVT)

**SUPPLEMENTAL DECLARATION OF
JEFFREY KINGSTON IN SUPPORT OF
RESPONSE TO MICROSOFT
CORPORATION'S OBJECTIONS TO
MAGISTRATE'S ORDER**

Date: To Be Set
Time: To Be Set
Before: Honorable Jeremy Fogel
Place: To Be Set

Complaint Filed: N/A
Trial Date: N/A

I, Jeffrey S. Kingston, declare as follows:

1. I am an attorney at law licensed to practice in the State of California and before this Court. I am a partner with Morgan, Lewis & Bockius LLP (“Morgan Lewis”) and have represented Sun Microsystems, Inc. (“Sun”) in the European Commission (“Commission”) proceeding concerning Microsoft Corp. (“Microsoft”) since its inception when I filed the original complaint in December, 1998. In that capacity, I am familiar with the facts and history of this proceeding.

2. It is incontrovertible that the European Commission has the power to issue document requests and it does so often.

3. It is also incontrovertible that the European commission has the power to order production of the documents sought by Microsoft in the Application.

4. It is also true that these documents would be subject to being produced in Europe through our law offices in Brussels if the Commission were to order production.

5. I have practiced law before the European Commission for more than 18 years and am a specialist in European antitrust law.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and if called as a witness, I could competently testify thereto. This declaration was executed on April 14, 2006 in San Francisco, California.

Jeffrey S. Kingston